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PATENT
ATTORNEY DOCKET NO. 08422/010001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin Fuchs et al. Art Unit:
Serial No.: 09/087,141 Examiner:
Filed : May 28, 1998
Title : METHOD AND DEVICE FOR MEASURING THIN FILMS AND
SEMICONDUCTOR SUBSTRATES

Assistant Commissioner for Patents
Washington, DC 20231

Attention: Box Missing Part

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Responsive to the Notice to File Missing Parts of Application under 37 CFR 1.53(d) mailed June 22, 1998 (a copy of which is enclosed), Applicant as a small entity submits herewith the following:

A Combined Declaration and Power of Attorney in compliance with 37 CFR 1.63.

Payment of the surcharge of \$65.00 for late filing of the declaration.

Petition for Two-Month Extension of Time with \$200 fee.

It is understood that this perfects the application and no additional papers or filing fees are required.

Date of Deposit October 19, 1998
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Van Kelly
Justina Kelly

If there are any other charges, or any credits, please apply them to Deposit Account No. 06-1050.

Respectfully submitted,

Date: October 19, 1998



Eric L. Prahel
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER FILING/RECEIPT DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NO/TITLE

09/08/7, 141 05/28/98 FUCHS

08422/0100

02527/0622

NOT ASSIGNED

ERIC L. PRAHL
FISH AND RICHARDSON
226 FRANKLIN STREET
BOSTON, MA 02101-2804

3642

DATE MAILED:

05/22/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed) non-small entity is \$ 130.

1. The statutory basic filing fee is:
 missing.
 insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ _____ for independent claims over 3.
\$ _____ for dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:
 is missing or unexecuted.

11/20/1998 contains ~~omitted~~ previously submitted items.

does not identify the application to which it applies.

does not include the ~~city~~ state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63, listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center

Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE